



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,887	05/26/2000	Steven Rosaria	MS1-556US	9949
22801	7590	12/18/2003	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			CHAVIS, JOHN Q	
			ART UNIT	PAPER NUMBER
			2124	
DATE MAILED: 12/18/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/579,887	ROSARIA ET AL.	
	Examiner	Art Unit	
	John Q. Chavis	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-70 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-70 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Brodersen et al. (2002/0152102).

Claims**Brodersen**

1. A finite state model-based testing system comprising:

See the title and abstract of the invention. The applicant indicates that Brodersen does not generate to be tested; however, Brodersen indicates that a state model is created (generated). The model comprises rules and conditions, again see the abstract. The rules and conditions inherently implies testing. Furthermore, nothing in the body of this claim refers to testing; therefore, the feature is considered merely a desired effect. Also, see Brodersen's page 1 sect [0010], which indicates that prerequisites must be met (via testing) and see sect [0013], which 'introduce testing and quality control steps.

a model generation engine...

Again see the "creating" step in the abstract.

a graphical user interface to enable use entry of parameters for defining

See again the abstract and fig. 3. Also, see sect [0003], which

the model.

indicates that users (inherently via fig. 3) develop (define the model) customized to their needs. Therefore, each of the applicant's claimed features are taught, as indicated previously.

2. ...wherein the user interface enables a user to enter state information and transition information...

See page 1 section (sect.) 0009.

3. ...operational mode... is an attribute of a particular state of the software application;

See page 1 sect. 0010.

...wherein the modal value describes a behavior...

See page 2 sect. 0016.

an input of the software application.

See page 2 sects. 0017 and 0028.

4. ... a current state of the software

See again page 2 sects. 0017 and 0030.

a next state of the software application...

" " " "

5. ...enable user entry...

See again fig. 3 and page 4 sect. 0049.

6. ...comprises a rules editor to enable user entry...

See the rejection of claim 4.

7. ...the model is a state table...

See sects. 0013-0015.

8. ...the user interface comprises a graph traversal menu...

See the rejection of claim 7 above.

The cycles, flows, steps and states in sects. 0013-0015 provides for graph traversal menus. Note also in the top of fig. 3 that the graph is labeled "State Model Transitions" (traversals), with menus provided via Transitions (63) of fig. 3. The test feature is indicated in claim 1 above. See also again sect. 0015. Also, the numerous drop down boxes (represented by arrows in fig. 3) further illustrates

a graph traversal menu.

9. ...a graph traversal program... " " " "

10. ...test execution menu... " " " "

11. ...test driver program... " " " "

12. ...a model editor... See again the rejection of claim 2.

a rules editor... See the rejection of claim 2 above.

13. ...a graphical user interface. " " " "

In reference to claims 14-16, see the rejection of claims 3-5.

As per claims 17 and 18, see again the rejection of claim 5.

The features of claim 19 are taught via claim 3.

Claim 20 is taught via claim 4 in view of claim 7.

In reference to claim 21, see the rejection of claim 7 in view of claim 4.

As per claims 22-27, see again the rejection of claim 12 in view of claim 8.

The features of claim 28 are taught via claim 3.

Claim 29 is taught via claim 4 in view of claim 2.

In reference to claim 30, see the rejection of claim 3.

As per claim 31, see again the rejection of claim 9.

The features of claim 32 are taught via claim 7.

Claim 33 is taught via claim 4 in view of claim 7.

In reference to claims 34-35, see the rejection of claims 2.

As per claim 36-37, see again the rejection of claim 20.

The features of claim 38 are taught via claim 3.

Claims 39-41 are taught via page 1 sect. 0005, since a sequence is inherently a linked list.

Also, note again the transitioning from one state to the next, page 3 section 0047.

In reference to claim 42, see the rejection of claims 9 in view of 4.

As per claims 43-44, see again the rejection of claim 3.

The features of claim 45 are taught via claim 7.

Claim 46 is taught via claim 7 in view of claim 6.

In reference to claim 47, see the rejection of claim 9.

As per claim 48, see again the rejection of claim 27.

The features of claims 49-51 are taught via claim 1-3.

Claim 52 is taught via claim 2.

In reference to claims 53, see the rejection of claim 9.

As per claims 54, see again the rejection of claim 7.

The features of claim 55 are taught via claim 2.

Claims 56-59 are taught via claim 4 in view of claims 2 and 7. Also, see again sects. 0030 and 0019 in view of fig. 3. (items 61 (state information) and 63 (transition information)), which is inherently tested as indicated above. Furthermore, see sect. 0049-0054.

In reference to claim 60, see the rejection of claims 35.

As per claim 61, see again the rejection of claim 7.

The features of claim 62 are taught via claim 16.

Claims 63-64 are taught via claim 4 in view of claim 7.

In reference to claims 65-70, see the rejection of claim 9 in view of claim 7.

Conclusion

3. Applicant's arguments filed 9-26-03 have been fully considered but they are not persuasive, as indicated above. The applicant's invention is also considered pertinent to the disclosure of the newly cited patent to Gupta et al. (2003/0182638).
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Chavis whose telephone number is 703-305-9665. The examiner can normally be reached on 8:30 am-5:00 pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3900.

Application/Control Number: 09/579,887
Art Unit: 2124

Page 7

Jqc
December 15, 2003



JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124